



Legislative Council Staff *Nonpartisan Services for Colorado's Legislature*

Fiscal Note

Drafting Number: LLS 22-0180
Prime Sponsors:

Date: October 21, 2021
Bill Status: Bill Request
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Bill Topic: TIME PERIOD TO OBJECT TO GROUNDWATER MGMT NOTICES

**Summary of
Fiscal Impact:**

- ☐ State Revenue
- ☒ State Expenditure
- ☐ State Transfer

- ☐ TABOR Refund
- ☐ Local Government
- ☐ Statutory Public Entity

This bill authorizes any person to intervene in a proceeding regarding the withdrawal of groundwater, and increases the time to file a written objection from 30 to 45 days. This bill will increase state workload on an ongoing basis.

**Appropriation
Summary:** No appropriation is required.

**Fiscal Note
Status:** The fiscal note reflects the bill draft requested by the Water Resources Review Committee.

Summary of Legislation

Under current law, an interested person may intervene in a proceeding for an order that the Ground Water Commission has taken to a groundwater judge to enforce within 30 days following the last publication of the notice of hearing on the matter. This bill authorizes any person to intervene in such a proceeding and extends the objection period to 45 days. If the groundwater judge fails to consider the objections or other concerns of an intervener, the ruling of the groundwater judge is unenforceable.

The 45 day timeframe also applies to any notice issued under the Colorado Groundwater Management Act (the Act).

State Expenditures

This bill is expected to have a minimal workload increase for trial courts in the Judicial Department and the Division of Water Resources in the Department of Natural Resources as described below.

Trial courts. Because the bill expands who can file an objection to a groundwater withdrawal, and extends the time for submission of objections to all notices subject to the Act, the bill may result in an increase in objections filed with the trial courts. If a judge fails to consider all objections filed, the ruling cannot be enforced, which may result in additional hearings. The fiscal note assumes that any

increase in objections will be minimal and that judges will consider all objections filed. As a result, any increase in workload for the trial courts is expected to be minimal and can be addressed within existing appropriations.

Division of Water Resources. The bill may delay proceedings and increase staff workload to assist the Ground Water Commission when it is enforcing an order. These proceedings occur infrequently, so this workload increase is expected to be minimal. The increased time to file objections in any proceeding under the Act may also delay proceedings and increase staff workload, but this is also expected to be minimal impact and can be accomplished within existing appropriations.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Judicial

Natural Resources